IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.12401 of 2008
GANPAT BIND & ORS
Versus
STATE OF BIHAR
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2 02.05.2008 Heard the learned counsels for the petitioners and the State.

The petitioners apprehend arrest in Kudra P.S.Case No. 123 of 2007 registered under sections 144 and 379 of the Indian Penal Code.

It has been submitted on behalf of the petitioner that on perusal of the allegations levelled in the first information report it would appear that the petitioner is alleged to have harvested the crops which is claimed by the informant on account of the fact that he is said to have purchased the land. It is further submitted that the petitioner had taken the land on rent from the vendor of the informant for a period of one year and had grown Rabi crops which he was entitled to harvest. The petitioner is not disputing the title of the informant. In view of the above it is submitted that no criminal liability can be fastened for harvesting the crops on a land which he had taken on rent from the vendor of the informant prior to his purchase.

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Learned counsel for the State as well as the counsel for the informant opposes the prayer for bail.

Having considered the submissions and on perusal of the allegations levelled in the first information report and the nature of offence alleged, it is directed that in the event of arrest or surrender within a period of four weeks from today, the petitioners namely, Ganpat Bind, Ramashankar Bind & Ram Surat Bind be released on

anticipatory bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Kaimur at Bhabhua in connection with Kudra P.S.Case No. 123 of 2007 subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

Manish/- **(Shailesh Kumar Sinha,J.)**

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